

Message Text

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ORIGIN AEC-11

INFO OCT-01 EUR-25 IO-14 ISO-00 FEA-02 ACDA-19 CIAE-00

INR-10 L-03 NSAE-00 NSC-07 RSC-01 SCI-06 /099 R

66614

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P R 062021Z JUN 74

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 119492

EO11652 GDS

TAGS: TECH, PARM, IAEA

SUBJ: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIALS

REF: A) IAEA VIENNA 4692

B) IAEA VIENNA 3038

C) STATE 34710

D) STATE 15963

E) IAEA VIENNA 9884

1. REVISED DRAFT TEXT OF LETTER TO IAEA DG TRANSMITTED
IN REF A GENERALLY ACCEPTABLE, SUBJECT FOLLOWING COM-
MENTS:

(A) REF NUMBERED PARA (1) OF DRAFT TEXT, WE PREFER PHRASE "THE
ANTICIPATED EXPORT" INPLACE OF "EACH EXPORT" IN
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VIEW OUR INTENTION FURNISH AGENCY COPIES OF EXPORT

LICENSE APPLICATIONS OR RELEVANT ABSTRACTS THEREFROM FOR ADVANCE NOTIFICATION PURPOSES WITH UNDERSTANDING AGENCY COULD REQUEST SPECIFIC ADDITIONAL INFORMATION, IF DESIRED, IN CASES OF MULTIPLE SEQUENTIAL SHIPMENTS, PER PARA 3 REF (C) AND PARAS 2 AND 3 REF (D).

(B) RE LAST PARA OF NUMBERED PARA (1)

OF DRAFT TEXT, WE PREFER FOLLOWING VERSION:
"THE FOREGOING INFORMATION WILL BE PROVIDED NORMALLY AT LEAST TEN DAYS PRIOR TO EXPORT OF THE MATERIAL FROM MY COUNTRY; CONFIRMATION OF EACH EXPORT, INCLUDING PRECISE MEASUREMENT DATA AND DATE OF SHIPMENT, WILL BE PROVIDED PROMPTLY AFTER SUCH DATE."

(C) RE NUMBERED PARA (2) OF DRAFT TEXT, CHANGE

PHRASE "WHICH HAS BEEN SUBJECT TO SAFEGUARDS" TO READ "WHICH, AT THE TIME OF EXPORT, IS SUBJECT TO SAFEGUARDS." BELIEVE THIS MORE CLEARLY EXPRESSES INTENT THAN "HAS BEEN SUBJECT TO" WHICH COULD BE INTERPRETED TO MEAN AT ANY TIME IN THE PAST AND NOT NECESSARILY AT TIME OF EXPORT.

WITH THIS CHANGE, WE HAVE NO OBJECTION IN PRINCIPLE TO EXCLUDING PHRASE "FOR PEACEFUL NUCLEAR PURPOSES" REGARDING IMPORTS, PENDING RECEIPT OF UK'S VIEWS THIS POINT, IN VIEW FACT MATERIAL CONCERNED WOULD HAVE BEEN SUBJECT TO IAEA SAFEGUARDS AND EXPORT TO U.S. WOULD HAVE BEEN REPORTED IN ANY EVENT BY EXPORTING STATE.

2. WE PLEASED MISSION BELIEVES EXPORT LICENSE APPLICATIONS COULD BE USED BY AEC FOR PROVIDING ADVANCE NOTIFICATIONS OF EXPORTS, AND THAT MISSION WILL EXPLAIN BASIS TO SOVIETS. THIS CONFIRMS THAT SUCH APPLICATIONS WILL CONTAIN INFO CALLED FOR UNDER 1(A), (B) AND (C) OF DRAFT LETTER. RE ARKADIEV'S COMMENTS RE PREFERENCE THAT USG RATHER THAN PRIVATE COMPANIES PROVIDE INFO TO AGENCY, IT SHOULD BE EMPHASIZED THAT SINCE LICENSE APPLICATIONS OR RELEVANT ABSTRACTS THEREFROM WOULD BE FURNISHED BY AEC AND APPLICATIONS ARE BASIS FOR EXPORT AUTHORIZATION, THEY WOULD IN FACT BE "GOVERNMENT INFORMATION". SIMILARLY, ANY SPECIFIC ADDITIONAL ADVANCE INFORMATION REQUESTED BY AGENCY RE INDIVIDUAL EXPORTS WOULD BE OBTAINED FROM COMPANIES AND PRO-CONFIDENTIAL

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VIDED BY AEC.

3. ABILITY OF UK/EURATOM TO PROVIDE ADVANCE INFORMATION ON EXPORTS NEEDS CLARIFICATION. WE WOULD LIKE TO REITERATE OUR POSITION THAT 10-DAY ADVANCE NOTIFICATION STIPULATION MUST BE UNIFORM FOR ALL THREE PARTIES.

4. WE CONTINUE PREFER NOT INCLUDE STANDARD ARTICLES 91-97

RE REPORTING INTERNATIONAL TRANSFERS IN PROPOSED US/IAEA
SAFEGUARDS AGREEMENT, AND HOPE THAT ARRANGEMENTS WITH UK
AND USSR WILL SERVE TO PROVIDE AGENCY AND GERMANS ADEQUATE
DEGREE OF SATISFACTION TO MAINTAIN THIS POSITION IN VIEW
FACT ADVANCE INFO ON EXPORTS WILL BE PROVIDED. IF, HOWEVER,
AGENCY REMAINS CONCERNED OVER ADVANCE INFO ON IMPORTS AND
CAN CLEARLY DEMONSTRATE SUBSTANTIVE SAFEGUARDS NEED FOR SUCH INFO,
WE PREPARED TO CONSIDER SPECIAL ARRANGEMENTS FOR US TO PROVIDE
INFO TO AGENCY, TO EXTENT NEEDED. WE WOULD HOPE, OF COURSE, THAT
SUCH ARRANGEMENTS WOULD HELP PERSUADE UK AND USSR TO PROVIDE
COMPARABLE DATA.

5. WE HAVE NO OBJECTION IN PRINCIPLE TO SENDING A LETTER
TO DG PRIOR JUNE 11 BOARD OF GOVERNORS MEETING IF AGREEMENT
ON DRAFT TEXT CAN BE REACHED WITH U.K. AND USSR, AND
IF APPROPRIATE INTERNAL USG APPROVALS TO PROPOSED ARRANGE-
MENT OBTAINED PRIOR THAT TIME, BUT THIS SEEMS UNLIKELY
IN SHORT TIME AVAILABLE. IN ANY EVEN, BELIEVE IT DESIRABLE
AGREED-ON LETTER REACH DG IN SUFFICIENT TIME FOR IT BE
REFERRED TO IN REPORTS IAEA PREPARING FOR SECOND PREPCOM
MEETING OF NPT REVIEW CONFERENCE IN AUGUST ON IAEA
ACTIVITIES RELATING TO IMPLEMENTATION NPT.

6. RE PENULTIMATE PARA OF DRAFT LETTER, WE PROPOSE THAT
PROVISION OF INFO CALLED FOR IN LETTER COMMENCE NOT LATER
THAN SEPTEMBER 1, 1974.

7. ADVISE.
KISSINGER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, POLICIES, FISSIONABLE MATERIALS TRANSFER, EXPORT LICENSES, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE119492
Document Source: CORE
Document Unique ID: 00
Drafter: USAEC/IP: RNSLAWSON
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740144-0641
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740668/aaaacgq.tel
Line Count: 144
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN AEC
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) IAEA VIENNA 4692
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAR 2002 by kelleyw0>; APPROVED <08 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIALS
TAGS: TECH, PARM, IAEA
To: IAEA VIENNA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005